REMARKS

QUESTION

WHY IS TRAJKOVIC LISTED AS THE FIRST INVENTOR ON THE COVER SHEET OF THE OFFICE ACTION? ACCORDING TO APPLICANTS' RECORDS, HE IS THE THIRD INVENTOR, THE FIRST BEING PHILOMIN. CAN THE EXAMINER CORRECT THIS? OR DOES A PETITION NEED TO BE SUBMITTED?

The art rejections are respectfully traversed.

Applicants respectfully submit that the Examiner misconstrues all of the references.

Since the references are many and complex, Applicants will confine their remarks to those portions of the references cited by the Examiner, except as otherwise indicated. Applicants make no representation as to the contents of other portions of the references.

Art rejections: claim 1

Claim 1 recites, inter alia, "calculating from a result of said imaging at least one of a number of persons in said scenes and a value dependent thereon." It is not clear whether the Examiner has understood this recitation. The words "a value dependent thereon" means a value dependent on the number of persons.

Against this recitation the Examiner cites Ito col. 5:6-1[1], which states:

[1] PLEASE NOTE: The Examiner has highlighted the relevant portion of Ito and then photocopied the result. This makes the relevant portion almost illegible. It would be better to photocopy first and then highlight – or highlight using a lighter color.

REMARKS

> In the add-up method, the weighted average of the present reference background image 801 is calculated with a predetermined weight (update rate 804) imposed on the present input image 802 thereby to produce a new reference background image 803 sequentially.;

and 8:25-35, which states:

> The preset threshold value is the one for determining the presence or absence of an entering object with respect to the difference value between the input image and the reference background image and set at such a value that the entering object is not buried in a noise or the like as a result of binarization. This value is dependent on the object to be monitored and set experimentally. According to an example of the embodiment of the invention, the threshold value is set to 20. As an alternative, the threshold value may be varied in accordance with the difference image 703 obtained by the difference processing.

Applicants are at a loss to see how these sections teach or suggest calculating a number of persons or a value dependent on a number of persons. Instead, there are calculations related to a background and calculations related to detecting an entering object.

Accordingly, Applicants respectfully submit that the Examiner has failed to make a prima facie case against claim 1.

Art rejections: claim 2

Claim 2 recites, inter alia, showing a map of a gathering space. Against this recitation, the Examiner cites Beardsley col. 6:1-8, which states:

> Many organizations have regular gatherings of large numbers of individuals at conventions and trade shows where products are sold or exhibited by member companies. Such conventions are important marketing tools for many companies. The attendance at these and other gatherings may total thousands of individuals and the sponsors of the convention as well as the participating companies desire to have detailed information regarding the attendees.

And 6:54-61, which states:

> In support of applications where an observer is looking at images of people/objects with attached badges in real-time, it may be desirable to synthetically overlay the images to provide information about the badge's color coding in a more meaningful form. For example, a system which is observing people in buildings may replace the original view of the badge with an overlay of the word "staff" or "visitor," when that image is displayed to an observer.

Again Applicants are at a loss to find where the cited portions of Beardsley teach or suggest displaying a map of a gathering space. The first section describes a convention without saying anything about what type of system might be envisioned. The second session talks about images of badges of a visitor. Again it fails to teach or suggest a map of the gathering space.

Accordingly, Applicants respectfully submit that the Examiner has failed to make a prima facie case against claim 2.

Art rejections: claim 3

Claim 3 recites, inter alia, overlaying a map display with a graphic indication of a result of the calculating step. It should be noted that the calculating step in question is the one that calculates a number of persons or a value dependent on a number of persons.

Against this recitation, the Examiner cites Beadsley, col. 4:16-23, which states:

> The target border color for the border is selected to be white. This test is partly invariant to changes of illumination. A unit three-vector c.sub.p =C.sub.p /mag(C.sub.p)[2] is computed for the pixel color, where mag(C.sub.p) is the magnitude of C.sub.p. Similarly, a unit three-vector c.sub.t =C.sub.t /mag(C.sub.t) is computed for the target color. The dot product

[2] This text was copied from the full text format of the patent document on the PTO website. As a result, equation information appears as text rather than as symbols.

REMARKS

> D=c.sub.p.multidot.c.sub.t is calculated. If the dot product D exceeds a threshold .tau., then the color C.sub.p is accepted as similar to the target border color C.sub.t.

Again, the Examiner appears to be misconstruing this section. The section relates to calculations relating to color, particularly color of a badge. Applicants find no teaching or suggestion here of displaying a number of persons or a value dependent on a number of persons on a map as claimed in Applicants claim 3.

Accordingly, Applicants respectfully submit that the Examiner has failed to make a prima facie case against claim 3.

Art rejections: claim 4

This claim recites, inter alia, generating an output at an information like display for visitors.

Against this recitation, the Examiner cites Beardsly col. 6:58-61, which states

> For example, a system which is observing people in buildings may replace the original view of the badge with an overlay of the word "staff" or "visitor," when that image is displayed to an observer.

Applicants understand this section to relate to providing information to a security type person, who is monitoring the situation. It does not appear to teach or suggest anything about a display for visitor as claimed in Applicants' claim 4. A display of a visitor fails to teach or suggest a display for a visitor.

Art rejections: claims 5 & 11

In rejecting this claim the Examiner combines two references that are not in the same field. The first reference relates to items in a work environment. The second reference relates to vehicular traffic on a road. Moreover, neither of them is in the field of the invention, which

relates to "exhibition-like events." Applicants respectfully submit that one of ordinary skill in the art would not combine these two references; nor would such a one apply them to the field of the invention.

Claim 5 recites, inter alia, an event. The word "event" has several meanings. The claim specifies and "exhibition-like event."

Against this recitation the Examiner cites Przygoda. This a system for use in a work environment like a hospital or factory. This type of environment is not an exhibition-like event.

Przygoda is "event-driven." The Examiner may not understand what "event-driven" means. Accordingly, Applicants enclose herewith a definition of "event" and "event-driven" from the online encyclopedia called "Webopaedia." According to this definition, an "event" is an action or occurrence detected by a program. Events can be user actions, such as clicking a mouse button or pressing a key, or they can be system occurrences, such as running out of memory. Programs are said to be "event-driven" when they respond to "events" in this context. An event-driven program comes from a whole different meaning of the word "event" from that used in the claim, where an "exhibition-like event" is recited.

The Examiner is requested to reconsider his choice of reference in view of this explanation of the different meanings of the word "event" as used in the claim and as used in the reference.

Claim 5 further recites reception and responsiveness to video data. Against this recitation, the Examiner also looks to Przgoda. Applicants understand Przgoda to relate to tracking items in a factory or similar workplace, not to tracking video data. The Examiner cites col. 4:7-14, which states

REMARKS

> Large facilities, like hospitals, manufacturing plants, engineering facilities and the like cover large areas over multiple floors. Each of these facilities have items (inanimate objects as well as people) that need to be tracked. Items such as files, tools, and equipment are often missing, misplaced or even stolen. Items such as personnel, workers, patients and visitors become lost, wander into an unauthorized area, or leave a facility without others knowledge of these events.

and col. 9:45-58 of Przgoda, which states

> Controller computer 26 may also receive from node computer 28 the identification number of the item, the time of movement of the item, direction of travel information and other status data and perform the logical correlation of linking the identification number of the item to location of the node computer 28, and as such the location of the item in the domain. The determination of the location of an item by node computer 28 or controller computer 26 is completed by software designed to manipulate data programmed to correlate the physical location of the node computer 28 in environment 20 in relationship to the zone 25 and domain 23 designated in the environment and the direction of travel information of the item collected by node computer 28.

Applicants find nothing in these sections which relates to reception of or responsiveness to video data. On the contrary, it appears from column 4, lines 50-55, that items to be tracked have radio transmitters which emit signals and that those signals are tracked — rather than video data.

Claim 5 further recites display for visitors. Against this recitation the Examiner cites Przygoda at col. 22: 13-18, which states

> Controller computer 126 passes location information on item I4 to central server 124, which in turn generates a message for display in the window operating on terminal 152 and passes the message through controller computer 127 and node computer 131 to terminal 152.

Line 20 of this column, not cited by the Examiner, explains that a nurse is at terminal 152. The nurse is not a visitor. She is a worker in the hospital at which an emergency is being tracked. Accordingly, the Examiner appears again to have misconstrued the reference.

REMARKS

Claim 5 further recites display of density of occupancy in a space. The Examiner admits that Przygoda fails to teach or suggest this limitation and therefore turns to the unrelated reference, Kerner, col. 7:62-67, which states

> In a measurement of the degree of occupancy, as is customary in the USA, for example, the traffic density values .rho..sub.min, .rho..sub.max and .rho..sub.0 are to be replaced in the specified relationships by the corresponding values B.sub.min, B.sub.max and B.sub.0 for the degrees of occupancy which are scaled with a factor .lambda...

This text relates to calculation of degree of occupancy of a road. It fails to teach or suggest display of density of occupancy relating to visitors at an exhibition-like event, as claimed in Applicants claim 5.

Applicants accordingly respectfully submit that in each and every instance the Examiner has misconstrued the references in rejecting claim 5. Reconsideration is accordingly respectfully requested.

Applicants respectfully submit that claim 11 is not sufficiently similar to claim 5 to be grouped with it the way the Examiner does. Claim 11 does not specifically recite reception or responsiveness to video data. It *does* even more clearly recite that local variation in density or movement of visitors is made accessible to visitors to the space. This recitation distinguishes even more clearly over the references than claim 5 does. The Examiner is accordingly respectfully requested to make a separate rejection of claim 11.

Art rejections: claim 6, 8 & 12

Applicants respectfully submit that these rejections fails to satisfy 37 CFR 1.104, because they fail to specify which parts of the very complex references relate to the recitations of these claims.

REMARKS

Art rejections: claim 9

Claim 9 recites that the video data is gathered from a PTZ camera. Against this recitation, the Examiner adds McDonald, col. 11:52-57; however, this section of McDonald relates to turning on a camera after data is received from a radio transmitter; and, then, the camera is only used for locating a specific piece of mail. This reference appears to have no relevance to density of occupancy. Accordingly, Applicants respectfully submit that the Examiner has not made a prima facie case against claim 9.

The Examiner's other rejections and/or points of argument not addressed would appear to be moot in view of the foregoing. Nevertheless, Applicants reserve the right to respond to those rejections and arguments and to advance additional arguments at a later date.

Information disclosure

Submitted herewith is a PTO/SB/08A form with the documents cited in the specification. Explanations of the pertinence of these documents is set forth in the specification. It is noted that US Pat. No. 6,604,005B1 is substituted for serial number 07/123,502, the former being a continuation of the latter.

REMARKS

Please charge any fees other than the issue fee to deposit account 14-1270. Please credit any overpayments to the same account.

Applicants respectfully submit that they have answered each issue raised by the Examiner and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first class mail in an envelope addressed to

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

On 5/11/2004 (date)
By /Barschall/ (signature)

Respectfully submitted,

By /Barschall/
Anne E. Barschall, Reg. No. 31,089
Tel. no. 914-332-1019
Fax no. 914-332-7719
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